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Report : Mr. Wade

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IN THE SENATE OF THE UNITED STATES.

AUGUST 9, 1852.
Ordered to be printed.

Mr. WADE made the following

R E P O R T :

[To accompany bill S. No. 516.]

The Committee of Claims, to whom was referred the petition of Joseph M. Hernandez, report :

The petitioner appears to have been the owner of two extensive plantations in Florida. At the commencement of the Seminole war in 1835, these plantations were occupied by troops in the service of the United States, and fortified as military posts; and during the winter and following spring both places were, as occasion and exigency required, occupied, evacuated and re-occupied by various detachments and bodies of troops, until the Indians, availing themselves of the temporary absence of the troops, burned and destroyed the buildings and other property. The claim was brought before the Senate in 1839, and an act was passed allowing compensation for the personal property taken and used or destroyed by the United States forces, but no compensation appears to have been made for the buildings and other property destroyed by the Indians, although several reports in favor of such payment have been made, particularly Senate reports Nos. 130 and 195, of the third session of the 25th Congress, which are referred to as containing a full statement of the facts in the case.

It is not contended that the buildings were destroyed during their occupancy by the military forces of the United States, but that the destruction was a *consequence* of such occupancy. The acts of 1816 and 1817 only provide for payment for property destroyed *while occupied* as military posts or places of military deposit; but if it is the opinion of the Senate, as it is believed to be, that the rule should be construed to embrace property which may have been destroyed after its evacuation by the American forces, but the destruction of which was the natural and legitimate consequence of its having been so occupied, then this case is brought within the rule.

In accordance with these views the committee submit the accompanying bill :